

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

CATHY LYNN GUESS,

Plaintiff,

v.

THE TJX COMPANIES, INC., *et al.*,

Defendants.

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No. 4:24-cv-30-TRM-MJD

ORDER AMENDING SCHEDULING ORDER

Before the Court is the Parties' Joint Motion to Amend the Scheduling Order [Doc. 23].¹ The Parties seek an extension of the now expired deadlines for disclosure of expert testimony (from February 21, 2025 to March 31, 2025) and disclosure of rebuttal expert testimony (from March 14, 2025 to April 14, 2025), as well as an extension of the unexpired deadline for the completion of all discovery (from April 7, 2025 to May 9, 2025). The motion states the Parties' agreement that the additional time sought is necessary to take medical and/or expert depositions for proof and allow for Defendant's intended retained expert to complete a medical records review and generate a report. The Parties further represent that the requested extensions will not impact the trial date or any other deadlines contained in the scheduling order.

¹ The Parties also filed as a separate document a "Proposed Motion" [Doc. 24] that appears to be a proposed amended scheduling order reflecting the requested extensions. Rule 4.8 of the Electronic Case Filing Rules and Procedures of the United States District Court for the Eastern District of Tennessee provides: "A joint motion **MUST** be filed in order to submit an agreed order. **The agreed order must be filed as an attachment to the motion.** The agreement of all parties must be reflected in accordance with the fourth paragraph of Section 6 of these Rules." (Emphasis added). The "Proposed Motion" [Doc. 24] does not comply with the Local Rule, as it was neither filed as an attachment to a joint motion nor signed by counsel of record for each party. The Clerk is therefore respectfully **DIRECTED** to terminate Court File Doc. No. 24 as moot.

In accordance with Federal Rule of Civil Procedure 16(b) and for the reasons set forth by the Parties in their joint motion, the Court finds good cause exists to extend the expert testimony disclosure deadlines and the discovery deadline. The Court therefore **GRANTS** the Joint Motion [Doc. 23] and **AMENDS** the Scheduling Order [Doc. 15; Doc. 19] as follows:

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3. **Disclosure and Discovery:**

....

(d) **Expert Testimony:** Disclosure of any expert testimony any party seeks to use to meet its burden of proof shall be made on or before **March 31, 2025** in accordance with Rules 26(a)(2)(B) and 26(a)(2)(C) of the Federal Rules of Civil Procedure. Disclosure of rebuttal expert testimony shall be made by the parties on or before **April 14, 2025**. Rebuttal expert testimony challenges the opinions or methods of a previously disclosed expert and is no broader in scope.


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(f) **All Discovery:** All discovery, including the taking of depositions “for evidence,” depositions of experts, and requests for admissions, shall be completed by **May 9, 2025**.

All other deadlines and requirements of the Scheduling Order entered in this matter [Doc. 15; Doc. 19] remain in place and unchanged by entry of this Order.

SO ORDERED.

ENTER:


s/_____
MIKE DUMITRU
UNITED STATES MAGISTRATE JUDGE